

**HON'BLE Dr.JUSTICE CHILLAKUR SUMALATHA**

**CRIMINAL PETITION No.9972 of 2022**

**ORDER:**

1. Heard Sri P.Vinod Lal, learned counsel for the petitioner as well as the learned Additional Public Prosecutor who is representing the respondent.

2. Seeking the Court to invoke Section 438 Cr.P.C. and to grant pre-arrest bail, the present Criminal Petition is filed.

3. Learned counsel for the petitioner states that the petitioner is arrayed as Accused No.3 in Crime No.251 of 2022 of Falaknuma Police Station. Learned counsel submits that the petitioner has not committed any offences whatsoever, but due to trivial issue, a false case is foisted against the petitioner. Learned counsel also submits that even as per the contents of the complaint, the petitioner was not present at the scene of offence at the initial stage and that the petitioner caused one injury with a knuckle punch which at best falls within the purview of Section 324 IPC.

4. On the other hand, the submission of the learned Additional Public Prosecutor is that ten witnesses were examined till now and there are two injured persons. Learned Additional Public Prosecutor produced copies of the wound certificates. As per the wound certificates, one of the injured sustained two lacerated injuries and another sustained an abrasion. By the submission of the learned Additional Public Prosecutor, it is clear that the material part of the investigation is completed. Though it is contended that the section of law was altered to Section 307 IPC, having considered the nature of injuries sustained and more particularly, the fact that the material part of investigation is completed and further, as nothing is stated about the requirement for arrest of the petitioner, this Court considers desirable to grant the relief claimed.

5. Resultantly, the Criminal Petition is allowed with the following conditions:

- (i) The petitioner/Accused No.3 is directed to surrender before the concerned Court within ten (10) days. On such surrender, he shall be enlarged on bail on his executing a personal bond for Rs.50,000/- (Rupees Fifty thousand only) with two sureties for like-sum each to the satisfaction

of the Court concerned. The sureties are directed to submit their two latest passport size photographs at the time of furnishing solvency. One such photograph is ordered to be pasted in the Surety Register against the name of the surety. The other photograph shall be kept in the case record concerned.

- (ii) The petitioner/Accused No.3 shall report before the Station House Officer, Falaknuma Police Station, on every Monday between 10.30 AM and 12:00 PM till filing of final report
- (iii) The petitioner/Accused No.3 should not involve in any unlawful activity.
- (iv) The petitioner/Accused No.3 should afford all assistance for the proper investigation of the case.
- (v) The petitioner/Accused No.3 should not cause the evidence of the offence disappear.
- (vi) The petitioner/Accused No.3 should not tamper with the evidence in any manner.
- (vii) The petitioner/Accused No.3 should not by way of inducement, threat or promise, dissuade any person who is acquainted with the facts of the case, from disclosing such facts to the Court or to the Police Officer.
- (viii) In case the petitioner/Accused No.3 holds a passport, he shall surrender the same.

- (ix) The petitioner/Accused No.3 should ensure his presence whenever required by the Court or Police.
- (x) The petitioner/Accused No.3 shall not leave India without previous permission of the court concerned.
- (xi) The petitioner/Accused No.3 shall file an affidavit before the Court concerned disclosing the following particulars:-
  - (1) Contact number
  - (2) Mail address
  - (3) Residential particulars.

In case, there is any change of the aforementioned details, the petitioner shall intimate the court concerned by giving a fresh affidavit duly mentioning the change. He shall continue to do so till filing of the final report.

Any deviation of the above conditions would entitle the respondent to take appropriate steps for cancellation of the pre-arrest bail granted.

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**Dr. JUSTICE CHILLAKUR SUMALATHA**

Date: 22.11.2022  
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**CIVIL REVISION PETITION No.3578 of 2018**

27.12.2021

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